Applicant : Klaus Eschenroeder et al.   Attorney's Docket No.: 13913-0120001 / 2003P00250
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REMARKS

Claims 1, 2, 10-20, 22 and 27-34 are pending in the application. Claim 3 has been cancelled without prejudice or disclaimer of the subject matter therein. Claim 34 has been added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks herein.

Claim Rejections – 35 U.S.C. § 103

Claims 1-3, 10-20, 22 and 27-33 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Pub. No. 2006/0085798 to Bendiksen et al. ("Bendiksen") in view of in view of Alonso et al., WISE: Business to Business E-Commerce ("Alonso"). This rejection is respectfully traversed.

As discussed above, claim 3 has been cancelled without prejudice or disclaimer. Consequently, the rejection of claim 3 has been rendered moot.

Each of claims 1, 10, 14, 15, 18, 19 and 22, as previously presented, includes the features of the plurality of components including a first set of components that execute a first process instance and a second set of components that execute a second process instance with at least one of the plurality of components included in each of the first and second sets of components. In an effort to further prosecution of the instant application, each of claims 1, 10, 14, 15, 18, 19 and 22, has been amended to provide that the agents include a first set of agents associated with less than all of the components of the first set of components, and a second set of agents associated with less than all of the components of the second set of components. Bendiksen and Alonso, taken either alone or in combination, fail to disclose or render obvious at least the above-described features of claims 1, 10, 14, 15, 18, 19 and 22.

Bendiksen is generally directed to an analyzer system 10 that includes analyzers 12 associated with databases 20, and a plurality of sensors 14 that capture event data at of user applications 18, and store the event data in the databases 20 (see Figs. 1 and 5, and ¶¶ [0047]-[0051] and [0078]-[0080]). Execution of the user application 16 is passed through the associated sensor 14 via a path 101 (see ¶ [0050] and Fig. 1). Although Bendiksen illustrates user applications 16, Bendiksen fails to describe components that execute the user applications 16.

Fig. 13 of Bendiksen illustrates a distributed enterprise middleware-based system 1300 that includes the analyzer system 10. The system 1300 receives data (e.g., representing mortgage applications) and provides the data for processing through a plurality of individual user applications. The user applications of Fig. 13 include a credit check application 1350, a tax assessment application 1360, a verify income application 1370, a title search application 1380 and an appraisal application 1390 (see Fig. 13, and ¶ [0114]). A sensor 14 is associated with each application 1350, 1360, 1370, 1380, 1390, which sensors 14 capture respective application event data and provide the event data to the analyzer 10.

In making the instant rejection, the Examiner has identified the applications 1350, 1360, 1370, 1380, 1390 as components (see instant Office action, p. 3). This is inaccurate, because the applications 1350, 1360, 1370, 1380, 1390 include processes that are themselves executed by components. As noted above, Bendiksen fails to describe the underlying components that execute the user applications. More specifically, the underlying components that execute each of the applications 1350, 1360, 1370, 1380, 1390 are neither illustrated nor discussed in Bendiksen.

Bendiksen fails to disclose the features of a plurality of components that execute a plurality of process instances, and that include a first set of components that execute a first process instance and a second set of components that execute a second process instance with at least one of the plurality of components included in each of the first and second sets of components. As discussed above, the user applications of Bendiksen are themselves processes that are executed by underlying components. Bendiksen, however, fails to describe such underlying components. Bendiksen also fails to disclose the features of agents including a first set of agents associated with less than all of the components of the first set of components, and a second set of agents associated with less than all of the components of the second set of components. As discussed above, Bendiksen provides a single sensor associated with each user application, and fails to describe components underlying the user applications.

Alonso fails to cure the deficient disclosure of Bendiksen. More specifically, Alonso is directed to software infrastructure for electronic commerce in Workflow based Internet Services (the "WISE project") (see Abstract). The goal of the WISE project is to design, build and test basic infrastructure for business-to-business electronic commerce in the form of a working system capable of defining, enacting and monitoring virtual enterprise business processes (see 1

Introduction, p. 1). Alonso defines a virtual enterprise as an enterprise whose business processes
are virtual processes, and a trading community as a set of companies working together as part of
a virtual enterprise (see 2.1 Virtual Enterprise, p. 2). In Fig. 1, Alonso present an example
trading community that is formed by an insurance company having two different departments,
and a loss adjuster company (see Fig. 1, and 2.1 Virtual Enterprise, p. 2). Fig. 1 of Alonso
illustrates processes that are executed by the insurance company and the loss adjuster company.
For example, the insurance company processes include "Receive Claim," "Check Customer,"
"Claim Classification," "Payments & Entitlements," "Cost Estimation," "Payment," "Update
Status & Entitlement," and "Claim Settled." The loss adjuster company processes include
"Analyze Received Data," "Check Property," "Contact Client," "Visit Property," "Study Similar
Cases," and "Cost Estimation."

The WISE project includes four components, definition, enactment, monitoring, and
coordination, as illustrated in Fig. 2 of Alonso. The definition component allows virtual
businesses to be defined, the enactment component compiles the description of the virtual
business processes, the monitoring component keeps track of the progress in executing the
virtual business processes, and the coordination component supports multimedia conferencing
and cooperative browsing between participants in the trading community (see 2.3 Complete
Solution, p. 3). The virtual business processes are enacted using the WIDE engine (see 4 Process
enactment, p. 4). WISE incorporates modules within the execution engine to keep track of
executing processes (see 5 Process Monitoring, p. 6).

In making the instant rejection, the Examiner identifies the processes of each of the
insurance company and the loss adjuster company as components that execute process instances
(see instant Office action, p. 5). This is inaccurate. More specifically, each of the processes of
the insurance company and the loss adjuster company are processes that are executed by
underlying components, and/or people (e.g., contact client, visit property). Alonso, however,
fails to describe the underlying components that execute the processes.

Like Bendiksen, Alonso also fails to disclose the features of a plurality of components
that execute a plurality of process instances, and that include a first set of components that
execute a first process instance and a second set of components that execute a second process
instance with at least one of the plurality of components included in each of the first and second

sets of components. As discussed above, the processes of Fig. 1 of Alonso must themselves be executed by underlying components, which underlying components are not described in Alonso. Alonso also fails to disclose the features of agents including a first set of agents associated with less than all of the components of the first set of components, and a second set of agents associated with less than all of the components of the second set of components. As discussed above, the disclosure of Alonso is limited to modules within the execution engine that keep track of executing processes.

In view of the foregoing, Bendiksen and Alonso, taken alone or in combination, fail to disclose or render obvious the above-described features of each of claims 1, 10, 14, 15, 18, 19 and 22. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Each of claims 2, 11-13, 16, 17, 20, 22 and 27-33 ultimately depends from one of claims 1, 10, 14, 15, 18 and 19, which define over the asserted references, as discussed in detail above. Consequently, each of claims 2, 11-13, 16, 17, 20, 22 and 27-33 also defines over the asserted references for at least the same reasons. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Other Claim Amendments

Claim 34 has been added and includes the features of identifying a tracking point associated with a component of the first set of components, and associating an agent of the first set of agents with the component. Bendiksen and Alonso, taken alone or in combination, fail to disclose or render obvious the features of claim 34. More specifically, and as discussed in detail above, Bendiksen includes a single sensor associated that monitors an entire user application. Alonso fails to describe sensors and/or agents. Furthermore, claim 34 ultimately depends from claim 1, which defines over the asserted references, as discussed in detail above. Consequently, claim 34 also defines over the asserted references for at least the same reasons.

In view of the foregoing, favorable consideration and allowance of claim 34 are respectfully requested.

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CONCLUSION

The absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to amendment. Applicants respectfully request consideration of all filed IDS' not previously considered, by initialing and returning each Form 1449.

The undersigned attorney welcomes the opportunity to further discuss by telephone any position or issue not fully addressed by the above remarks and amendments.

No charges are due. However, if any fees are due, they are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 13913-0120001.

Respectfully submitted,

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